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Total Number of Pages in This Submission	6

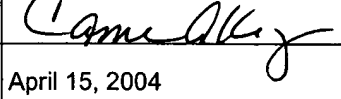
Application Number	10/798,739
Filing Date	March 10, 2004
First Named Inventor	George D. HERMANN
Art Unit	Not Yet Assigned
Examiner Name	Not Yet Assigned
Attorney Docket Number	399242000602

ENCLOSURES (*Check all that apply*)

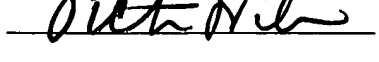
- [] Fee Transmittal Form
 - [] Fee Attached
- [] Amendment/Reply
 - [] After Final
 - [] Affidavits/declaration(s)
- [] Extension of Time Request
- [] Express Abandonment Request
- [x] Information Disclosure Statement and PTO Form 1449 -5 pgs. + International Search Report and Written Opinion
- [] Certified Copy of Priority Document(s)
- [] Response to Missing Parts/ Incomplete Application
 - [] Response to Missing Parts under 37 CFR 1.52 or 1.53
- [] Drawing(s)
- [] Licensing-related Papers
- [] Petition
- [] Petition to Convert to a Provisional Application
- [] Power of Attorney, Revocation Change of Correspondence Address
- [] Terminal Disclaimer
- [] Request for Refund
- [] CD, Number of CD(s) _____
- [] After Allowance Communication to Group
- [] Appeal Communication to Board of Appeals and Interferences
- [] Appeal Communication to Group **(Appeal Notice, Brief, Reply Brief)**
- [] Proprietary Information
- [] Status Letter
- [x] Other Enclosure(s) (please identify below):
 1. Return receipt postcard.

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	MORRISON & FOERSTER LLP (Customer No. 20872) Cameron A. King - 41,897
Signature	
Date	April 15, 2004

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: April 15, 2004 Signature:  (Victoria A. Wilson)

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PATENT
Docket No. 399242000602

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Victoria Wilson

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

George D. HERMANN et al.

Serial No.: 10/798,739

Filing Date: March 10, 2004

For: METHOD AND DEVICE FOR USE IN MINIMALLY INVASIVE APPROXIMATION OF MUSCLE AND OTHER TISSUE

Examiner: Not Yet Assigned

Group Art Unit: Not Yet Assigned

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

Dear Sir:

Pursuant to 37 C.F.R. § 1.97 and § 1.98, Applicants submit for consideration in the above-identified application the documents listed on the attached Form PTO-1449. Copies of the documents marked with an asterisk (*) were previously submitted in Information Disclosure Statements and/or Office Actions, directed to the related applications Serial Number 09/969,989 filed October 2, 2001, (now U.S. Patent No. 6,706,048), and Serial Number 09/738,818, filed December 15, 2000, (abandoned) and, accordingly, copies are not included herewith. This protocol conforms with 37 C.F.R. §1.98(d) and M.P.E.P. 609(A)(2). The Examiner is requested to make these documents of record in the application.

This Information Disclosure Statement is submitted:

☒ **Within three months of the application filing date or before mailing of a first Office Action on the merits; accordingly, no fee or separate requirements are required.**

☐ After receipt of a first Office Action on the merits but before mailing of a final Office Action or Notice of Allowance.

- ☐ A fee is required. A check in the amount of * is enclosed.
- ☐ A fee is required. Accordingly, a Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.
- ☐ A Certification under 37 C.F.R. § 1.97(e) is provided below; accordingly; no fee is believed to be due.

☐ After mailing of a final Office Action or Notice of Allowance, but before payment of the issue fee.

- ☐ A Certification under 37 C.F.R. § 1.97(e) is provided below and a check in the amount of * is enclosed.
- ☐ A Certification under 37 C.F.R. § 1.97(e) is provided below and a Fee Transmittal form (PTO/SB/17 is attached to this submission in duplicate.

Applicants would appreciate the Examiner initialing and returning the Form PTO-1449, indicating that the information has been considered and made of record herein.

The information contained in this Information Disclosure Statement under 37 C.F.R. § 1.97 is not to be construed as a representation that: (i) a complete search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing **39924-2000602**. However, the Assistant Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: April 15, 2004

Respectfully submitted,

By: _____
Cameron A. King
Registration No. 41,897

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Form PTO-1449

INFORMATION DISCLOSURE CITATION IN AN APPLICATION

(Use several sheets if necessary)

APR 19 2004
PATENT & TRADEMARK OFFICE

Docket Number 399242000602	Application Number 10/798,739
Applicant: George D. HERMANN et al.	
Filing Date March 10, 2004	Group Art Unit Not Yet Assigned
Mailing Date April 15, 2004	

OTHER DOCUMENTS *(including author, title, Date, Pertinent Pages, Etc.)*

U.S. PATENT DOCUMENTS

Examiner Initials	Ref. No.	Date	Document No.	Name	Class	Subclass	Filing Date If Appropriate
	1.	03/03/1874	*148,256	Stevenson			
	2.	1/31/1911	*982,896	Stoll			
	3.	7/27/1971	*3,595,201	Oudenhoven			
	4.	11/28/1978	*4,127,227	Green			
	5.	6/30/1992	*5,125,553	Oddsen et al.			
	6.	7/19/1994	*5,329,943	Johnson			
	7.	6/13/1995	*5,423,858	Bolanos et al.			
	8.	8/12/1997	*5,655,544	Johnson			
	9.	10/12/1999	*5,964,772	Bolduc et al.			
	10.	4/4/2000	*6,044,847	Carter et al.			
	11.	4/11/2000	*6,048,351	Gordon et al.			
	12.	11/14/2000	*6,145,225	Ritchey			
	13.	1/30/2001	*6,179,844	Underwood			
	14.	6/13/1995	*5,423,856	Green			
	15.	6/13/1995	*5,423,858	Bolanos et al.			
	16.	1/7/1997	*5,591,206	Moufarrege			
	17.	7/20/1999	*5,925,064	Meyers et al.			

FOREIGN PATENT DOCUMENTS

Examiner Initials	Ref. No.	Date	Document No.	Country	Class	Subclass	Translation YES	Translation NO
	18.	5/10/89	*0 315 344	EPO				
	19.	7/15/85	*0 169 044	EPO				
	20.	07/08/81	*2 066 164	GB				

OTHER DOCUMENTS *(including author, title, Date, Pertinent Pages, Etc.)*

EXAMINER:	DATE CONSIDERED:

EXAMINER: Initial if citation considered, whether or not the citation conforms with MPEP 609. Draw a line through the citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.

Form PTO-1449

INFORMATION DISCLOSURE CITATION IN AN APPLICATION

(Use several sheets if necessary)

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OTHER DOCUMENTS

(including author, title, Date, Pertinent Pages, Etc.)

Examiner Initials	Ref. No.	Title
	21.	*J. Gradel, M. D., "Umbilical Technical Maneuvers to Facilitate Abdominoplasty with limited Incisions", Aesth. Plast. Surg., 15:251-256, (1991).
	22.	*T. S. Wilkinson, M. D., "Limited Abdominoplasty Techniques Applied Complete Abdominal Repair", Aesth. Plast. Surg., 18: 49-55, (1994).
	23.	*Pilling catalog, product information, pp. B and 127. (1979).
	24.	International Search Report mailed March 3, 2001, for PCT patent application no. PCT/US00/34009 filed December 15, 2000, 4 pages.
	25.	Written Opinion mailed March 15, 2004, for PCT patent application no. PCT/US00/34009 filed December 15, 2000, 5 pages.

EXAMINER:	DATE CONSIDERED:

EXAMINER: Initial if citation considered, whether or not the citation conforms with MPEP 609. Draw a line through the citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.